

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 ARAE-00 SSO-00 NSCE-00 COA-01 DLOS-03

CG-00 DOTE-00 INRE-00 USIE-00 PA-01 L-02 PM-03 H-01

CIAE-00 INR-07 NSAE-00 RSC-01 EB-07 COME-00 SS-15

NSC-05 SP-02 DODE-00 INT-05 PRS-01 /065 W

----- 054935

O 061522Z FEB 75

FM AMEMBASSY QUITO

TO SECSTATE WASHDC IMMEDIATE 4336

INFO AMCONSUL GUAYAQUIL IMMEDIATE

C O N F I D E N T I A L QUITO 0898

E.O. 11652: GDS

TAGS: PFOR EC

SUBJECT: TUNA BOAT SEIZURES: MEETING WITH FISHERIES SUBSECRETARY

REF: A) QUITO 891; B) QUITO 892

1. SUMMARY: EVENING FEBRUARY 5 GOE FISHERIES SUBSECRETARY INFORMED ADCM AND CONGEN GUAYAQUIL THAT DECISION ON APPEALS BY FIRST FOUR VESSELS WOULD BE FORTHCOMING BY THE END OF THIS WEEK. GREATEST DIFFICULTY CONFRONTING APPEALS COMMISSION IS PROBLEM OF CONFISCATION OF CATCH. SUBSECRETARY STATED THAT HE FORESAW POSSIBILITY OF MEANINGFUL ASSOCIATION TALKS BETWEEN OUR RESPECTIVE INDUSTRIES IF U.S. FISHERMEN WOULD START COMPLYING FULLY WITH EXISTING GOE FISHERIES LEGISLATION. END SUMMARY.

2. EVENING FEBRUARY 5 ADCM AND CONGEN GUAYAQUIL MET WITH GOE FISHERIES SUBSECRETARY CAPT. ETIEL RODRIGUEZ TO DISCUSS MATTERS RELATED TO TUNA BOAT DETENTIONS.

3. ON THE SUBJECT OF THE APPEALS BY THE FIRST FOUR VESSELS, RODRIGUEZ SAID HE EXPECTED FINAL DECISION TO BE FORTHCOMING BY END OF THIS WEEK. HE SAID GREATEST PROBLEM  
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FACING APPEALS COMMISSION (OF WHICH HE IS CHAIRMAN) WAS WHAT

TO DO ABOUT PROBLEM OF CONFISCATED CATCH. ECUADOREAN LAW, HE SAID, IS UNAMBIGUOUS ON THIS POINT. THAT IS, ALL CATCH FOUND ON BOARD AT TIME OF SEIZURE MUST BE CONFISCATED IMMEDIATELY. ADCM AND CONGEN POINTED OUT THAT MUCH OF CATCH HAD BEEN TAKEN OUTSIDE CLAIMED ECUADOREAN WATERS AND THAT IN CASE OF JACQUELINE A CATCH HAD ACTUALLY BEEN CERTIFIED BY IATTC AS HAVING BEEN CAUGHT OUTSIDE ECUADOREAN CLAIMED WATERS LAST YEAR. WE MADE FURTHER POINT THAT NO MATTER WHAT ECUADOREAN LAW MIGHT SAY, WE DOUBTED THAT INTERNATIONAL CUSTOM WOULD VIEW SUCH CATCH AS ANYTHING OTHER THAN THE RIGHTFUL PROPERTY OF THE VESSEL OWNERS. RODRIGUEZ TOOK THESE POINTS ABOARD BUT THEN REPEATED THE PROBLEM THAT THE APPEALS COMMISSION WAS HAVING WITH THE RATHER RIGID LANGUAGE OF THE LAW. IN ANY EVENT, HE SAID, THEIR DECISION WOULD BE AS "HONEST" AS POSSIBLE.

4. WITH RESPECT TO CONFISCATION OF CATCH, CONGEN ASKED RODRIGUEZ IN EVENT SOME CATCH ORDERED CONFISCATED WHETHER GOE FORESAW ANY PROSPECT OF SELLING TUNA BACK TO BOAT OWNERS RATHER THAN ACTUALLY UNLOADING IT FROM THE VESSELS. RODRIGUEZ STATED THAT THIS WOULD HAVE TO BE THE SUBJECT OF A FORMAL COMMUNICATION FROM THE EMBASSY TO HIS MINISTRY STATING FULL PARTICULARS, SUCH AS THE PRICE AT WHICH THE BOATS WOULD BE WILLING TO BUY BACK THE TUNA. HE FURTHER REMARKED THAT THE PRICE WOULD HAVE TO BE SOMEWHERE BETWEEN THE LOCAL VALUE OF \$285 PER TON AND THE LANDED VALUE IN SAN DIEGO OF \$585 PER TON. WE AGREED THAT SENDING A PROPOSAL OF THIS KIND TO THE GOE AT THIS TIME WOULD BE PREMATURE SINCE A NUMBER OF IMPORTANT FACTS WERE UNKNOWN TO US, SUCH AS WHETHER OWNERS WOULD BE WILLING TO DO THIS, WHAT WOULD BE AN ACCEPTABLE PRICE, AND WHETHER WE COULD REALLY GUARANTEE REIMBURSEMENT TO OWNERS UNDER FPA.

5. WE THEN TURNED TO QUESTION OF LONGER TERM SOLUTION AND ASKED RODRIGUEZ WHAT IF ANYTHING HE FORESAW AS A WAY OF AVOIDING FUTURE CRISES OF THIS KIND. PREDICTABLY, RODRIGUEZ REPLIED THAT MOST IMPORTANT ELEMENT WAS FOR U.S. VESSELS TO COMPLY WITH EXISTING GOE LEGISLATION, I.E., BUYING LICENSES AND SO FORTH. RODRIGUEZ COMMENTED THAT

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HE COULD NOT UNDERSTAND WHY OUR BOATS DID NOT BUY LICENSES WHEN EVERYONE ELSE'S DID. HE SAID THAT IF FULL COMPLIANCE WERE TO TAKE PLACE, THEN BASIS WOULD EXIST FOR DISCUSSING POSSIBILITY OF ASSOCIATION CONTRACTS BETWEEN OUR RESPECTIVE FISHING INDUSTRIES. ON THIS SCORE, RODRIGUEZ SAID THAT GOE REMAINS VERY INTERESTED IN COMBINING THE ADVANTAGES OF THEIR ACCESS TO THE RESOURCE WITH OUR SUPERIOR TECHNOLOGY.

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## Message Attributes

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